

First Circuit Opinion Summaries by Findlaw

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Most Recent Summaries

Cornwell Entertainment, Inc. v. Anchin, Block & Anchin, LLP

July 18, 2016

Injury & Tort Law, Contracts

(United States First Circuit) - In a suit brought by a well-known novelist, her spouse and her corporation against their former business managers, alleging negligent performance of professional services, breach of contract, and breach of fiduciary duty, the District Court's decision to reverse a jury's \$51 million award is: 1) affirmed in part where a) plaintiffs have not made the case that the District Court erred in the choice-of-law analysis it performed in rejecting the Chapter 93A claim, b) the District Court did not err in denying their post-trial petition for an award of equitable forfeiture, and c) the Court did not abuse its discretion in denying portions of plaintiffs' Rule 50(b) motion; and 2) reversed in part where the District Court erred in accepting the defendants' argument that any statements they made to the DOJ regarding Cornwell's campaign contributions were subject to a qualified privilege and thus could not support the claim of fiduciary breach.

Paolino v. JF Realty, LLC

July 18, 2016

Water Law, Environmental Law

(United States First Circuit) - In a citizen enforcement action under the Federal Water Pollution Control Act (also known as the Clean Water Act), 33 U.S.C. section 1251, et seq., brought by plaintiff's against the owner of a neighboring parcel of land and the business operating on it, the District Court's judgment and award of attorney's fees in favor of defendants are affirmed where there is no ground for a finding of clear error or any basis under *Schubert v. Nissan Motor Corp.* in U.S.A., 148 F.3d 25, 30 (1st Cir. 1998), for this court to substitute its judgment for that of the District Court.

US v. Reed

July 18, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for pleading guilty to a robbery in which defendant brandished a firearm is affirmed where: 1) the District Court properly applied the career offender enhancement; and 2) defendant has shown no plain error in the district court's conclusion that the Armed Career Criminal Act (ACCA), 18 U.S.C. section 924(e) applied.

US v. Calderon

July 15, 2016

Evidence, Criminal Law & Procedure

(United States First Circuit) - Conviction of making a false statement to a federal grand jury investigating a money laundering scheme is affirmed over defendant's unavailing claims that: 1) the district court abused its discretion in refusing to grant him a new trial based on the government's now-acknowledged improper withholding of impeachment evidence and its failure to disclose other information that defendant claims tainted his indictment and prosecution; and 2) the court erred by refusing to order release of a grand jury transcript.

US v. McNicol

July 15, 2016

Tax Law, Probate, Trusts & Estates

(United States First Circuit) - In the government's suit against a tax debtor's estate and the his wife, both individually and in her capacity as executrix of the estate, the District Court's grant of summary judgment to the government, holding the estate and the wife as executrix liable for \$351,218.98 is affirmed where all three requirements for liability under 31 U.S.C. section 3713, commonly known as the federal priority statute, were satisfied.

Ms. S. v. Regional School Unit 72

July 15, 2016

Education Law, Administrative Law

(United States First Circuit) - In a case involving plaintiff's right to a free appropriate public education (FAPE) under the federal Individuals with Disabilities Education Act (IDEA), the District Court's judgment in favor of school defendant on filing limitations grounds is vacated where: 1) the court erred in its analysis of the validity of the two-year filing limitation; and 2) the record before us is insufficient to determine whether the Maine Department of Education adequately complied with the Maine Administrative Procedure Act (MAPA) procedures when adopting the two-year filing limitation.

US v. Gall

July 15, 2016

Sentencing, Criminal Law & Procedure

(United States First Circuit) - Sentence for conviction by guilty plea to possessing child pornography, in violation of 18 U.S.C. section 2252(a)(4)(B), and conditions of supervised relief are: 1) affirmed as to sentence and conviction; but 2) vacated as to the supervised release condition that prohibits defendant from possessing adult pornography and from entering any location where such pornography is available, where the condition is plainly erroneous because the District Court gave no explanation for imposing it.